



Standardized Land Use Control Memorandum of Agreement

DEVELOPED FOR FLORIDA INSTALLATIONS



One of the more significant milestones of the Navy's environmental program occurred on 31 Aug 1998 at a signing ceremony for Florida Land Use Controls (LUCs) Memorandum of Agreements (MOAs) at NAS Jacksonville. RADM Belisle, the Navy Regional Environmental Coordinator (REC), hosted the ceremony for the Southeast Region. The standardized agreements were signed by Florida Department of Environmental Protection (FDEP), EPA Region 4, and the respective Commanding Officers (COs) of Naval Air Station (NAS) Key West, NAS Jacksonville and Naval Station (NS) Mayport.

The MOAs are a formal, yet not so burdensome, process to facilitate the selection and maintenance of cost-effective risk-based cleanups that are protective of human health and the environment considering reasonably expected future use of a site. The actual signings were the culmination of EPA Region 4, FDEP and the Navy working together to achieve a strategic level of success on a challenging issue.

Project Summary

The MOA for each installation is a tri-party agreement, which establishes a process to ensure appropriate long-term maintenance of LUCs that are the complete or partial remedies at individual sites. LUC is any restriction (e.g., restricted to industrial use) or control to be imposed in order to ensure protection of human health and the environment. It limits the use and/or exposure to environmentally contaminated media and can include engineering controls (EC) (e.g., fences, caps, etc.) and institutional controls (IC) (e.g., Base master plan notations, applicable legal restrictions on land or water usage, etc.). The standardized agreement facilitates the application of appropriate federal and/or state risk-based cleanup criteria to site cleanups where LUCs will be necessary, and provides assurances to regulators about the validity of land use assumptions and maintenance of LUCs.

A process is outlined for installations (COs are ultimately responsible) to periodically advise federal and state regulators of the continued maintenance of any LUCs and of any planned changes in land use which might impact any site remediation that includes LUCs. The agreement also elevates installation personnel awareness of the need to maintain these controls. Overall the MOA for an installation consolidates all applicable LUC information and requirements into a document which can be utilized by each agency.

Regulatory Requirements/Community Involvement

The agreement for each installation provides appropriate assurances to regulatory agencies that a mechanism is in place to ensure LUC maintenance. It was completed as a result of SOUTHDIV's partnering relations with regulators, REC, installations and the community. A key part of the multi-tiered approach is effective communication, which has helped create a very high level of trust among partners. This has also allowed them to focus together on efficient cleanup, protective of human health and the environment - saving time and cost and meeting regulatory requirements.

Site/Location:	Miscellaneous sites initially at three installations (NAS Key West, NAS Jacksonville, and NS Mayport)
Site Description:	Typically sites involve industrial operations/ areas
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Technology:	Standardized agreement for land use controls
Contaminant:	Varies at each of the sites. At one of the installations the main contaminants were pesticides, arsenic and beryllium
Action Levels:	Previously, it was residential for all areas but with the MOAs in place to ensure maintenance of LUCs, risk-based criteria can be utilized
Legal Driver:	Typically RCRA and/or CERCLA
Decision Document:	Various, including RODs that reference MOAs as applicable



Figure 1: CO NS Mayport Signing MOA.

Construction Challenges

Each agency had to commit significant resources to develop/document a process that met everyone's requirements. This was especially challenging in a time of diminishing resources and continued scrutiny of expenditures.

Cost Avoidance Measures

This concept will have far-reaching results in cleanups, saving cost and time. The total cost avoidance/savings for the three installations is over \$64M. However, this will be multiplied many times over as additional Navy and non-Navy entities utilize it.

Project Successes

Since the signing in August 1998, this MOA format has been referenced by the Navy as a current recommended example for managing LUCs at non-transferring installations. It has already progressed to the point where the Navy has performed successful annual reviews with regulators at some of the installations. The MOA format is now in place at additional installations in EPA Region 4.

Lesson Learned

The primary participants were most successful when they involved all levels of their agencies in developing these MOAs. This minimized potential surprises near the time of signing and also strengthened the teaming approach. An example of the multi-level involvement was the Navy contingent that included ASN, CNO, NAVFAC, SOUTHDIR, REC, and the installations.

This process demonstrated the effectiveness and value of the tiered partnering approach, which includes all participating agencies working in a formal structure. Documentation and implementation of LUCs was a problem/issue for multiple Tier I partnering teams and was elevated to the Tier II team. The result was a standard approach that all Tier I teams can use.



Figure 2: CO NAS Key West Signing MOA.



Figure 3: Signage at NAS Key West Sites with LUCs.



Figure 4: LUC Site, NAS Key West SWMU 5.